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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/467,168	12/20/1999	JAMES MARSHALL OATHOUT	SS2945	2005

23906 7590 06/24/2002

E I DU PONT DE NEMOURS AND COMPANY
LEGAL PATENT RECORDS CENTER
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WILMINGTON, DE 19805

EXAMINER
BEFUMO, JENNA LEIGH

ART UNIT	PAPER NUMBER
1771	11

DATE MAILED: 06/24/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

H CJ

Advisory Action	Application No.	Applicant(s)	
	09/467,168	OATHOUT, JAMES MARSHALL	
	Examin r	Art Unit	
	Jenna-Leigh Befumo	1771	

--The MAILING DATE of this communication appears on the cover she t with the correspondence address --

THE REPLY FILED 22 May 2002 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

a) ☒ The period for reply expires 5 months from the mailing date of the final rejection.

b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1.☒ A Notice of Appeal was filed on *22 May 2002*. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.

2.☒ The proposed amendment(s) will not be entered because:

(a) ☒ they raise new issues that would require further consideration and/or search (see NOTE below);

(b) ☐ they raise the issue of new matter (see Note below);

(c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

(d) ☒ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: *See Continuation Sheet*.

3.☐ Applicant's reply has overcome the following rejection(s): _____.

4.☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

5.☒ The a)☐ affidavit, b)☐ exhibit, or c)☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: *See Continuation Sheet*.

6.☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.

7.☒ For purposes of Appeal, the proposed amendment(s) a)☒ will not be entered or b)☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: *1-7*.

Claim(s) withdrawn from consideration: *8-15*.

8.☐ The proposed drawing correction filed on _____ is a)☐ approved or b)☐ disapproved by the Examiner.

9.☐ Note the attached Information Disclosure Statement(s)(PTO-1449) Paper No(s). _____.

10.☐ Other: _____

Continuation of 2. NOTE: The amendment adds a new recitation, that the liquid on the surface is a particle-burdened liquid, to the independent claim and the newly added claims further limit the structural limatations of the nonwoven fabric .

Continuation of 5. does NOT place the application in condition for allowance because: The Applicant's arguments that Ex parte Pfeiffer does not apply since the Applicant is claiming a new use for a known product is traversed since Pfeiffer is directly related to what qualifies as a patentable limitation in a method claim. Pfeiffer clearly teaches that a structural limitation must effect the method in a manipulative sense to be given patentable weight in a method claim. Thus, the method steps recited in the Applicant's claim and given patentable weight are contacting the fabric to the surface and removing from the surface a quantity of the liquid by wiping. The environment in which the wiping occurs is not positively recited in the claim and does not effect the method steps since the environment in which the fabric is used would not change how the liquid is contacted with the fabric or how the liquid is removed from the surface by the fabric. In other words, the environment does not effect how well the surface is cleaned or how the fabric absorbs and removes the liquid from the surface. And since the Applicant has admitted the wiping fabric is known and the prior art has clearly shown that using a wiping fabric to wipe liquid from a surface to clean said surface is known, the process of using a wiping fabric to wipe a surface can not be novel or unobvious and the rejections are maintained.

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